**A.K. Basheer, J.**

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S.SIRI JAGAN, J.

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W.P.(C).No.20729 of 2007

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Dated this the 6th day of September, 2007

J U D G M E N T

By Ext.P6 order dated 28.6.2007, the petitioner was sought to be transfered from Government College, Munnar to Government College, Malappuram. The reason stated in Ext.P6 is that the Devikulam M.L.A. has filed a complaint on 3.5.2007. According to the petitioner, he has not done anything warranting such a transfer on a complaint. The petitioner would submit that the only thing he has done is to take appropriate steps against a unit secretary of the Students Federation of India of the College for malpractice in the examination hall on 5.3.2007, pursuant to which Ext.P7 order dated 17.3.2007 has been issued by the 2nd respondent debarring one student from writing the University examination. The petitioner therefore seeks the following reliefs:

> i) issue a writ of certiorari or any other writ or order to quash Exhibit P6, transferring the petitioner to Malappuram Govt. College;
>
> ii) direct the respondents to retain the petitioner in Govt.

College Munnar;"

2. The learned Government Pleader has filed a counter affidavit in which the reason for the said transfer is stated thus:

> "It is submitted that a complaint was received against Sri.Anand Anathema's, Lecturer (Senior Scale) in Economics while he was working in Govt. College, Munnar. The Complaint dtd.3.5.2007 was filed by the M.L.A., Devikulam.
>
> The complaint was serious in nature. The M.L.A. has stated that Shri.Anand Viswanath, Lecturer (Senior Scale) in Economics was trying to make linguistic divide among the students and also create political conflicts between the students in the college. Therefore, it was considered necessary to transfer the lecturer immediately from the College for smooth functioning of the College. Therefore, the transfer order No.B4/3501/2007/Coll. Edn. Dated 28.6.2007 (Ext.P6) issued by this respondent for the public interest. The transfer was effected on the basis of the complaint of the M.L.A. and the complaint was referred to in the transfer order.
>
> The petitioner was transferred from Govt. College, Munnar on the basis of the complaint of the M.L.A. and for the peaceful functioning of the institution.
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> The main allegation in the complaint is that he was trying to make linguistic divide among the students and also create political conflicts between the students in the College. Therefore it was considered necessary to transfer the Lecturer. The transfer was effected to keep the peaceful atmosphere of the institution.
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> The transfer was effected on the basis of the complaint of M.L.A. Devikulam and on public interest. The complaint was referred to in the proceedings of transfer order."

If teachers can be transferred on such allegations, then no teacher would be safe, if the concerned M.L.A. so desires. The reason stated in Ext.P6 is as vague as 'vague' can be. I am not satisfied that a teacher can be transferred on such allegation,

without any supporting materials. In the above circumstances, I quash Ext.P6 order and direct that the petitioner shall be retained at Govt. College, Munnar, until he can be validly transferred otherwise.

The writ petition is disposed of as above.

The files produced shall be returned to the learned Government Pleader.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.